

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ARTHUR ALBAN, individually, and on
behalf of all other similarly situated

Plaintiff,

Civ. No. 09-5398

v.

ORDER

BMW OF NORTH AMERICA, LLC,

Defendant.

This matter having come before the Court on a Motion to Dismiss submitted by Defendant BMW of North America, LLC, pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having considered the submissions and oral arguments of the parties; and for the reasons set forth in the Opinion of even date;

IT IS on this 15th day of March, 2011, ORDERED that Defendant's Motion to Dismiss is GRANTED. Plaintiff's Amended Complaint is dismissed in its entirety with prejudice.

/s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.